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CHAPTER 14

Acting in a National Play: Governmental Roles During the *Zwarte Piet* Contestation

Pieter Wagenaar and Jeroen Rodenberg

INTRODUCTION

On entering Gouda, one noticed it as soon as one left the train. This was a town that had prepared for serious disturbances. In the hope of preventing hostilities between opposing groups, billboards had been put up just outside the railway station, directing different passengers to different locations. And the police also stopped and questioned visitors. As Gouda used to be a fortified town in the past, a moat still separates its historic center from more recent parts. The police used the bridges across it as checkpoints, trying to prevent unwanted visitors from entering. Downtown Gouda itself was swarming with riot police and with private security firm employees. Yet it wasn't a major soccer match the town was holding itself ready for. Gouda was awaiting the entry of *Sinterklaas*.

'Sinterklaas', 'Saint Nicholas' in English, is the Dutch version of Santa Claus, of which he is a predecessor. His feast is celebrated on the evening of December 5, but preparations start much earlier. Each year

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he enters the country at around the 11 of November, which is a festivity in itself that can be witnessed in every Dutch municipality. One of these entries counts as the national arrival and is broadcast on television. Gouda hosted it on November 15, 2014. Yet, the reason Gouda had so diligently prepared for civil unrest has little to do with the figure of Sinterklaas itself, as that is relatively uncontested. It is Sinterklaas' retinue that is a source of societal conflict. As it happens the good Saint is accompanied by a host of *Zwarte Pieten* ('Black Peters'), dressed in sixteenth-century Spanish costumes, and wearing black makeup. Between November 11 and December 6, these *Pieten* are unavoidable. They are all over the media and can also be encountered in shops, in schools, in hospitals, etc. Some groups in society consider them a racist remnant of a colonial past and of slavery, and an insult to the Afro-Dutch. Other groups, however, see *Zwarte Pieten* as a touchstone of Dutchness, as a vital part of their identity, and are neither willing to part with them voluntarily, nor to change their color. As Albert van der Zeijden (2012), a scholar studying intangible heritage in the Netherlands, has remarked:

the question where the politicization of Black Pete comes from, is easy to answer. In a multi-ethnic society, where many ethnic groups live together in a more and more globalizing world, a situation emerged where various groups attach different meaning to traditions, to their own and that from others.

As the 2017 Charlottesville riots show, the *Zwarte Piet* controversy is not unique. Similar conflicts can be found in other societies as well, as is shown in this volume. They are known as 'cultural contestation' (Ross 2007, 2009a, b).

CULTURAL CONTESTATION

Political scientists distinguish between different ways of looking at conflict. Brubaker, for instance, discerns four: inductive approaches, theory-driven rational action approaches, culturalist approaches, and 'ritual—symbolism—performance' (Brubaker and Laitin 1998). Docherty (2001: 29–35), a student of peacebuilding, prefers to speak of 'worlds': different aspects of conflict that are always there, and that all need to be addressed if conflicts are to be solved. The first of these worlds is 'rational'. It relates to the distribution of power and resources. The second world, the 'relational' one, is about the way opposing groups

communicate with each other. In the last world, the ‘symbolic’ one, the one that concerns Docherty the most, emotions, values, and identities are at stake. ‘Cultural contestation’ is at its very heart.

Cultural contestation usually takes the form of conflicts over heritage. Yet, heritage conflicts can arise from other sources as well, and it is necessary to make the distinction. Roughly speaking heritage can become the object of dispute for four reasons. It can be contested because there are several parties laying claims to it (the Elgin marbles); it can become a source of conflict when different functions are ascribed to it by interested parties (an agricultural field versus an archeological site); sad memories can be attached to it (former concentration camps); and then, there is cultural contestation. This last form of conflict over heritage arises when practices that are vital to the identity of one group are considered to be highly insulting and threatening to another (the Orange parades in Ulster). The political scientist Marc Howard Ross, who has pioneered the study of cultural contestation, observes that such conflicts can be fierce, as they are ‘about inclusion and exclusion from a society’s symbolic landscape and that such inclusion or exclusion tells us about the politics of acceptance, rejection, and access to a society’s resources and opportunities’ (Ross 2009a: 1). In a similar vein, Sharon MacDonald has remarked that ‘identity theorists have long argued that collective identities are produced relationally through processes of opposition—defining Us in relation to Them’ (...). ‘This is then consolidated by identifying content which is taken as marking ‘Us-ness’- the construction of differentiating symbols’ and what in German are called “Gegenbilder” (counterimages)’ (MacDonald 2004: 54). An attack on these symbols can subsequently be perceived as a threat to one’s very identity. Obviously, though, these symbols themselves can be equally menacing to others.

THE ROLE OF GOVERNMENT

According to Ross, there is little government can do once cultural contestation arises. It usually simply hasn’t the legitimacy to act against it (Ross 2007: 90). Yet, as Ross own work, and that of those he inspired shows, it does try. Great Britain, for instance, has a ‘parades commission’, that needs to grant permission for contested marches (Ross 2007: 6–7). The British government also subsidizes the painting of murals in Ulster, trying to substitute neutral works of art for controversial ones (Hartnett 2010: 70, 95–96). There thus appears to be a gap in our

knowledge of cultural contestation. We know that governments sometimes do try to solve it, but these interventions haven't been systematically studied yet. A small body of literature on peacemaking efforts in the 'symbolic world' of conflict does exist, though.

Michelle LeBaron, who has studied the symbolic layer of conflict resolution, stresses the importance of cultural fluency: the ability to see through each other's lenses. Stories, myths, rituals, and metaphors have an important role in this (LeBaron 2003; LeBaron and Pillay 2006: 275–28). Lisa Schirch (2005) has devoted an entire edited volume to the part ritual plays in conflict-solving, and Paul Lederach pays considerable attention to it as well (Lederach and Lederach 2010). Marc Howard Ross asks attention for the role of the contested rituals and symbols *themselves*, especially for the degree to which these are inclusive or exclusive. He finds that it quite often is possible to make contested practices more inclusive; even to make these symbolize inclusion. As 'more inclusive symbols and rituals can draw former opponents into a new relationship while more exclusive ones harden the lines of differentiation', this is vital (Ross 2007: 3, 16–17, 26–27, 81–82; Ross 2009b: 2, 13, 18). Government, according to Ross, lacks the legitimacy to change (the meaning of) such practices. Yet, civic leaders sometimes can. The outcomes these might be able to realize won't satisfy everyone, but they might be a good enough solution for most of those involved (Ross 2007: 125, 284; Smithey 2009: 102–103).

In this chapter, we look into the question of how the Dutch government, which found itself forced to handle the Zwarte Piet controversy, dealt with cultural contestation. In order to gather data, we have interviewed all parties involved.¹ We have attended (protest) meetings and manifestations, and one of the court cases concerning Zwarte Piet. We've also analyzed everything the media reported on the matter and studied what went on in various social media.

A HISTORY OF CONTESTATION

Where Zwarte Piet comes from nobody knows for sure. Theories abound, but it seems reasonable to assume that the figure—in its current form—was invented in 1850, by Amsterdam school teacher Jan Schenkman (for a different opinion, see van Trigt 2016: 120–148). In that year, Schenkman published a children's book that would

provide a kind of blueprint for the feast of Sinterklaas as it is today. Yet, it took decades before celebrating Sinterklaas Schenkman style had spread through all of the country. In many places, this happened only after the Second World War (Helsloot 2000). It would take equally long before protests against Zwarte Piet were voiced. The journalist Herman Salomonson was the first, in an article in the weekly *De Groene Amsterdammer* in 1930.² More than three decades later primary school teacher Arnold Ras followed in his footsteps, actually abolishing the figure's black makeup in the village of Wanroij. He encountered very competent opposition. Writer Godfried Bomans, who, as one of the country's first TV celebrities enjoyed enormous popularity, personally intervened.³

Five years later, in 1968, a Mrs. Grünbauer from the town of Leiden continued where Ras had had to give up. It would take until the 1980s, though, until the protest got really underway. The independence of Suriname in 1975 was followed by a wave of emigration to the Netherlands. A few years later, opposition against Zwarte Piet became structural. In the 1990s, these voices were finally heard, at least in Amsterdam. Pieten of many different colors made their entry there, during the arrival of Sinterklaas in 1993, and in 1998, primary schools in one of the Amsterdam neighborhoods received a 'Saint Nicholas code'. The controversy obtained an international dimension in 2003, when the Dutch chapter of the Global African Congress petitioned parliament (Helsloot 2005). Many of these initiatives met with opposition. An anti-Piet exposition/manifestation in the town of Eindhoven in 2008 even elicited such alarming reactions, that it had to be discontinued (van der Pijl and Goulordava 2014).

The current controversy started at the end of 2010. A group of young activists had decided to once and for all put an end to Zwarte Piet and had been brainstorming on possible actions. It finally decided to have t-shirts printed, carrying the text '*Zwarte Piet is racisme*' ('Black Pete is racism'), and to wear these during the national arrival of Sinterklaas in Dordrecht in 2011, as an artistic protest.⁴ During this performance, the artists Quinsy Gario and Kno'Ledge Cesare (pseudonym of Jerry Afriyie) were arrested. The police next detained them for seven hours and fined them. Yet, the following day a similar protest was held in Amsterdam (Helsloot 2012a, b). The activists also wrote a letter to mayor Van der Laan of Amsterdam, and one of them, Raul Balai, addressed Van der Laan personally, when he ran into him at a reception.⁵

Heritage Listing

In the meantime, a different development had been set in motion: including the feast of Sinterklaas in the national inventory of intangible heritage. In 2012, the Netherlands signed the 2003 UNESCO-agreement on the safeguarding of intangible heritage. The institute responsible for the Dutch intangible heritage list is the Knowledge Center for Intangible Heritage in the Netherlands (KIEN); not a government body, but a quango-like organization subsidized by the Ministry of Education, Culture, and Science. It had held a survey on the question of which traditions are considered to be most important in the Netherlands in 2010, from which it emerged that Sinterklaas exceeds every other Dutch tradition in popularity (Strouken 2010). Naturally, therefore, it was a prime candidate for heritage listing (van der Zeijden 2014). On December 5, 2012, when the Netherlands signed the aforementioned agreement, Sinterklaas, without Zwarte Piet, was presented to UNESCO, in Paris. Ineke Strouken—KIEN's director—explained that Zwarte Piet was absent, because of the contested nature of the figure.⁶

It is not necessarily the KIEN itself, though, that nominates heritage for inclusion in the inventory. 'Communities' who count as the 'owners' of a specific heritage can do so, with the support of the KIEN (Margry 2014). The KIEN has contacts with all important Sinterklaas organizations. It had been warning these about the troubles which might arise from Zwarte Piet for years, when it was preparing the inclusion of the feast on the national heritage list. When it asked an umbrella organization called the Saint Nicolas Society to apply for the heritage listing of the feast, it therefore specifically requested it to write a paragraph on how it would deal with the Zwarte Piet question. Eventually, this would prove to be a reason for the society to not continue with the procedure.⁷

When the debate got truly underway, in 2013, Sinterklaas had therefore not yet been listed. The media attention hit the Sinterklaas organizations 'like a tsunami', according to KIEN director Ineke Strouken. The many thousands of people who thought they were simply involved in the organization of a children's' festivity, now all of a sudden found themselves being accused of racism. They looked to the KIEN for help, but so did many people opposing Zwarte Piet, leading to another tsunami: this time of e-mails sent to the KIEN. The numbers of these ran into the tens of thousands, and they often carried highly insulting and

menacing messages. People also contacted the highest civil servant at the ministry, to try to get Mrs. Strouken fired, and activists visited her at her office, to try and bully her into subscribing to their views. At a certain moment, when she was receiving an average of 1.500 hate mails a day, it became impossible for Mrs. Strouken to answer these or to even pick up the phone.⁸ Yet, that didn't mean the KIEN withdrew from the discussion, as, indeed, it couldn't. In order to facilitate the societal debate, the KIEN commissioned several publications in 2014. One was an enquiry among the most important spokespersons of both sides to the conflict, to try and find solutions; one was a book on the origins of Zwarte Piet; one was an explanation of the debate for foreign news media; and one was a comic book to facilitate the debate among school children. The KIEN also published educational material on the history of Dutch slavery.⁹

During the controversy, a new umbrella organization for the many local Sinterklaas committees came into being: the 'Sint & Pietengilde' (Saint Nicholas and Peters Guild). It moved into the void the Saint Nicholas Society had left behind and became the community responsible for the heritage listing of the feast. At the start of 2015, it got the feast included in the national heritage list.¹⁰ The ministry, obviously very worried by the way the controversy had spread through the country, had requested the KIEN to have this postponed three times.¹¹

The UN

When word got out that the KIEN was trying to get Zwarte Piet heritage listed, Barryl Biekman, a Dutch politician and chairwoman of the National Platform for the History of Slavery, contacted the UN (Wouters 2014). Her protest was supported by UN-advisor prof. Verene Shepherd. In January 2013, prof. Shepherd informed the Office of the United Nations High Commissioner for Human Rights (OHCHR), pointing out that the Netherlands was trying to get a tradition included in the UNESCO intangible heritage list, that her informants considered to be racist.¹² In October of that year, she visited the Netherlands, protesting Zwarte Piet, and in November 2013, the OHCHR itself got involved. That same month, the Working Group of Experts on People of African Descent, chaired by prof. Shepherd, called on the Dutch government to initiate a respectful societal debate on Zwarte Piet.¹³ Later, in 2014, prof. Shepherd, together with the working group she had

chaired until recently, would meet Dutch Minister Asscher, to discuss the matter. She remained of the opinion that Zwarte Piet, as a hateful remnant of a colonial past, would need to change.¹⁴ A year later, the UN's International Convention on the Elimination of All Forms of Racial Discrimination (CERD) published its periodical report on the Netherlands. It had been informed by the Dutch Section of the International Commission of Jurists, which had presented a report drawn up by 27 NGOs. This shadow report started with Zwarte Piet and with the way the discussion on the figure had progressed in the Netherlands (Nederlands Juristen Comité voor de Mensenrechten 2015). Small wonder then, that many of the questions the CERD addressed to representatives of the Dutch government concerned the figure (Blokker 2015a). The government representatives, in their turn, pointed out that Minister Asscher was already organizing a dialogue between opponents and proponents of Zwarte Piet (Blokker 2015b). Nonetheless, the CERD remained concerned. In its *Concluding Observations*, in articles 15–18, it dealt with Zwarte Piet. Article 18 read:

Considering that even a deeply-rooted cultural tradition does not justify discriminatory practices and stereotypes, the Committee recommends that the State party actively promote the elimination of those features of the character of Black Pete which reflect negative stereotypes and are experienced by many people of African descent as a vestige of slavery. The Committee recommends that the State party find a reasonable balance, such as a different portrayal of Black Pete and ensure respect of human dignity and human rights of all inhabitants of the State party. The Committee further recommends that the State party ensure non-discrimination in the enjoyment of freedom of expression and association, and that attacks on protesters be effectively investigated and duly prosecuted. (Committee on the Elimination of Racial Discrimination 2015)

Prime Minister Rutte saw no need for government intervention in the appearance of Zwarte Piet, however. The same went for Minister Asscher, although as a private person he was of the opinion that the figure would need to change.¹⁵ Leaving it to society, though, would probably not be a solution to the CERD's concerns. According to a survey, a very large majority of Dutchmen felt that the UN recommendation needed to be ignored, and the Sint & Pietengilde—responsible for Piet's national heritage listing—wrote an open letter to the UN.¹⁶ Yet, the UN's intervention already had had its effect, much earlier.

When prof. Shepherd had visited the country, this had produced such media attention, that Zwarte Piet had finally been put on the societal agenda. For Mandy Roos, a sixteen-year-old girl from The Hague, it had been a reason to organize a massive pro-Piet manifestation; another event the media jumped on. It was also the reason two Internet entrepreneurs from the province of Brabant created a pro-Piet Facebook page, which received over two mln. likes in 48 hours. Mandy Roos later presented these to a politician from the right-wing populist party PVV, another media event.¹⁷ Now nobody could ignore the problem anymore.

Court Cases

In the meantime, a different process had been set in motion. Next to organizing protests, anti-Piet activists had also started legal proceedings. In 2013, Quinsy Gario had begun encouraging people to file objections to the entry of Sinterklaas at the municipality of Amsterdam (Kozijn 2014). These were rejected by the Amsterdam commission of appeal on October 30, 2013. In reaction, on May 22, 2014, the activists took the case to the Amsterdam court of law, and successfully. On July 3, the court ruled that burgomaster Van der Laan should not have granted a permit for the arrival of Sinterklaas without taking the interests of those objecting to Zwarte Piet into consideration, as the private life of these is severely disturbed by the negative stereotypical traits of the figure. Again (international) media attention was massive.¹⁸

Van der Laan, in his turn, opposed the idea that the municipality was under the obligation to judge the contents of events for which it granted permits before these had even been held. He therefore appealed to the Council of State: the Netherlands' highest court of appeal in administrative law cases. The council heard all parties on October 16 and overturned the ruling of the Amsterdam court on November 12. Its main consideration was that judging the contents of events a priori would go against the constitution. Yet, it refrained from rulings on the exact character of Zwarte Piet and pointed to the possibility of initiating civil law cases (Blokker 2014c). Legists were quick to point out that chances would be limited. To all probability, the law would not provide the means to ban Zwarte Piet.¹⁹ The court cases were to have a different effect, though. They were the main reason for the establishment of the Sint & Pietengilde, that was later to get Sinterklaas heritage listed (van der Zeijden 2014).

And then there were individual law suits. A mother from the town of Utrecht filed a complaint against a primary school at the Dutch human rights council because of Zwarte Piet. She lost her case, on November 4, 2014, but the council did stipulate that in the future the school would need to take care to change all those features of Zwarte Piet that could be considered stereotyping.²⁰ Quinsy Gario and Jerry Afriyie protested their arrest in 2011 at the national *Ombudsman*, and won, but the police would, in its turn, file a complaint about Afriyie, when he resisted arrest during the arrival of Sinterklaas in Gouda in 2014. This led to the withdrawal of Afriyie's permit to work in private security, and to a lengthy lawsuit.²¹ Quinsy Gario, who had received an astonishing amount of death threats and insults in the course of the contestation, filed 771 complaints against the senders of these.²² And on *KetiKoti*, the yearly commemoration of the abolition of slavery, attendants were called on to file complaints against Zwarte Piet. Hundreds of people did, but in the end this law suit would prove to be unsuccessful too.²³ The media loved it, as they loved everything pertaining to the controversy, and, indeed, were instrumental in keeping it going.

THE MEDIA

After prof. Shepherd's intervention in 2013, the media exploded. From that moment on, Zwarte Piet was on the news always (Slagter 2014; Linders 2016). Every paper reported on the discussion, and talk shows on television devoted considerable attention to the topic as well. The most talked about being a confrontation between Quinsy Gario and Utrecht politician/pop singer/media personality Henk Westbroek on the Pauw and Witteman show.²⁴ And the international media soon followed suit. Any major event during the Dutch Zwarte Piet discussion was faithfully reported all over the world. In 2015, CNN even broadcast a documentary on the topic, which wasn't the first, as documentary filmmaker Sunny Bergman had already paved the way a year before.²⁵ According to several of the people who we have interviewed, the media proved to be uninterested in subtle statements, thus contributing considerably to the ongoing polarization.²⁶

The social media were quick to follow. Zwarte Piet proved to be an endless source of online debates, which have been dutifully analyzed by scholars studying communication (van Es et al. 2014; Hilhors and Hermes 2016). Often, these posts were of a highly offensive nature.

The ‘Contact Point for Discrimination on the Internet’ (Meldpunt Discriminatie Internet), which analyzes such posts, noticed a change in the racist slurs it reports on. In the past, anti-Semitism was the most important category, followed by anti-Muslim remarks, while Afrofobia took the third place. Now, all of a sudden, Afrofobia came second.²⁷

A very important actor in the world of the media was the so-called Sinterklaasjournaal (Saint Nicholas news flash). The Sinterklaasjournaal is a daily television show, which starts five days prior to the arrival of the good saint, to end when he leaves the country again. It is produced by public broadcasting company NTR, and although it is not the only Sinterklaas TV-show, it is by far the most influential. Each year it is watched by hundreds of thousands of children.

As the Sinterklaasjournaal is so dutifully watched by small children, who still believe the saint actually exists, Sinterklaas committees all over the country keep a watchful eye on it. They try to copy the appearance of Sinterklaas and the Zwarte Pieten as close as possible, so as not to confuse the children when they stage the arrival of the saint locally. Naturally, therefore, what the Sinterklaasjournaal would do with the Pieten was of great importance, a thing all parties involved realized.

Yet, when the controversy gained national attention, in 2013, there was little the Sinterklaasjournaal could still change, as all the preparations for the show had already been made. The following year it organized discussions among its 35 people strong staff, though. Four of these were to decide what would happen with Zwarte Piet (Kuiper 2014). These filmmakers were shielded off from direct confrontation with the various groups of activists, could not read the many e-mails on Zwarte Piet the NTR received, and kept their plans a secret. Paul Römer, NTR’s director, claims that not even he could influence the screenplay they were working on.²⁸ When the actors each received a script—from which the final episode was missing—it was accompanied by a confidentiality agreement (Takken 2014). The evening the show’s first episode was aired it turned out that it had attracted 25% more viewers than in previous years (Kuiper 2014). It had a very clever scenario, which was not only full of references to the ongoing Zwarte Piet discussion, but also had a story line explaining why Pieten in different shades of black made their entry in the show. Thus, it enabled every Sinterklaas committee in the country to choose the Pieten it felt best suited its particular points of view. And at the end of the show, the Sinterklaasjournaal even introduced a Saint Nicholas wearing black makeup.²⁹ Naturally, not everybody was

happy with what the Sinterklaasjournaal had done. The chairman of the Saint Nicholas Society, e.g., realizing the impact the show would have, was appalled by the fact that a subsidized broadcasting company tried to influence a discussion society was still deeply entangled in.³⁰

GOVERNMENT

People opposing Zwarte Piet had always been of the opposite opinion. They had complained about the lack of government intervention for many years (Knevel et al. 2011; Khaibar 2013; Bijnaar and Maris 2014; Kozijn 2014). Naturally, there had been several politicians who had protested the figure—Amsterdam council member Peggy Burke is a notable example—but these were the exception.³¹ When news company PowNed tried to interview Dutch politicians on the controversy many of them shied away or downplayed the discussion; a thing that did not fail to provoke the irritation of Zwarte Piet's opponents.³² And when television personality Paul de Leeuw sent a copy of Solomon Northup's *Twelve years a slave* to every Dutch member of parliament, to protest Zwarte Piet, he received only three thank you letters (Kozijn 2014: 106; van der Pijl and Goulordova 2014: 269). At the same time, local government was often instrumental in maintaining the tradition, as half of the arrivals of Sinterklaas receive government subsidies (Helsloot 2012b: 139–141). Several mayors also voiced their support for the figure,³³ and right-wing politician Geert Wilders even tried to pass a law protecting it.³⁴ Prime Minister Rutte's reaction to the CERD report was yet another disappointment to anti-Piet activists.³⁵ At local government level nevertheless, in Amsterdam, where opposition against the figure was strongest, things had already started to change.

In 2012, anti-Piet activists Quinsy Gario, Jerry Afriyie, and Raul Balai had sent Amsterdam mayor Van der Laan a letter. As a consequence they then had a meeting with him and with the committee that organizes the Amsterdam arrival of Sinterklaas, taking activist Miguel Heilbron with them. The committee was represented by the Mennonite clergyman Henk Leege, the actor Jeroen Krabbé, and businessman Raymond Borsboom. As a consequence, the committee decided to have the municipality hold an inquiry into the opposition to Zwarte Piet, but for awhile little else happened. Yet, when the activists took the municipality to court, something that received enormous attention of Dutch and foreign media, action was required. Leege, then one of the two chairmen of the

committee, felt contestation was getting to big for a voluntary organization to handle, and asked Van der Laan to intervene. He also asked management consultant Adriaan Krans to succeed him as a chairman of the committee. The mayor, who had already written a letter to the council about the question, now decided to mediate (Broer 2014; Gemeente Amsterdam: Bureau Onderzoek en Statistiek: 2012).

On March 24, 2014, all parties involved met in the mayor's official residence, a place Van der Laan uses for officious meetings. Paul Römer, director of broadcasting company NTR, was present as well, but as an onlooker only. This first meeting had a purely exploratory character. It was meant for establishing what the problems were that the different parties wanted to address and for finding common ground. The second meeting, on May 20, didn't lead to closure either. Adriaan Krans, who was intrinsically motivated to change *Zwarte Piet*, but also realized that something needed to change for pragmatic reasons, then came with a solution he could sell to his constituents. An explanation people in favor of *Zwarte Piet* often give for his black makeup is that he is black from entering homes through the chimney at night, in order to leave behind presents for the children. Why not change his makeup in such a way that he really looked like he was black from sooth, by giving him a few black smudges in his face only? In that way the figure would still fit all the stories he is surrounded with, and thus be acceptable to his constituents, yet accusations of blackface would become untenable. Krans explained to his constituents—who would be none too enthusiastic—that something needed to be done. One of the arguments he used was that the Amsterdam arrival is dependent on sponsoring from private business. As the tradition was becoming ever more contested, this source of income was drying up. An end to the contestation was not foreseeable, yet if it wasn't ended soon, survival of the tradition would be in danger. This was the reason, he argued, that change was in order. To allow people to get accustomed to the change slowly, the introduction would be gradual: changing 25% of the *Pieten* into 'sooth *Pieten*' every year. Part of the deal Krans proposed was also that accusations of racism would be dropped. Van der Laan then had bilateral meetings with the different parties involved and organized a last plenary meeting on August 8. The opponents of *Zwarte Piet* had not been enthusiastic about the gradualness of the change, but most accepted the compromise. The NTR, which had been an onlooker only, could also work with it. The mayor now proposed to make the deal that had been reached official, by signing a

voluntary agreement. The explanations for why he took this step differ. Some say Van der Laan needed to be able to prove to the Council of State that this time he had taken the objections of part of the Amsterdam inhabitants into consideration, in order to prevent being taken to court again over the permit. Others believe that the mayor, who had a background as a lawyer specializing in mediation, was simply used to ending such processes with voluntary agreements. However, it may be, signing a voluntary agreement proved to be a step too far (Broer 2014).³⁶

Yet, a compromise had been reached, and a week later the mayor sent a letter to the city council, and briefed the press. He also delivered a motivational speech to the Amsterdam Pieten, part of whom still needed to be convinced that change was necessary (Broer 2014).³⁷ It had been a bumpy ride, as the activists had used two strategies—negotiating as well as suing—at the same time. This had forced the mayor into a kind of split personality too: suing and mediating simultaneously. Yet, he had the legitimacy to do the latter, as all parties involved accepted his authority. It had meant, though, as journalist Bas Blokker has pointed out, that while claiming in court that he had no authority to influence the contents of the Amsterdam Sinterklaas arrival beforehand, Van der Laan was doing exactly that in a different setting (Blokker 2014b).³⁸

Elsewhere, things had been calmer, which is why the city of Utrecht, for instance, got away much easier. It had started a dialogue in 2014, just like Amsterdam, and had changed 20% of its Pieten into ‘confetti Pieten’. Resistance in the committee organizing the entry in Utrecht had been manageable, as had been the opposition to Zwarte Piet, and the press had been kept at bay by waiting to the very last before communicating changes. The chairman of the Utrecht committee was a consultant specialized in lobbying and knew how to manage such processes. He kept in close contact with the mayor, but, contrary to Amsterdam, in Utrecht local government mainly played a facilitating role.³⁹

The town of Gouda, which would host the national entry, would not be so lucky. When it had offered to host the national arrival of Sinterklaas, it had known about the contestation. Yet, what it had not foreseen is how huge the ensuing societal debate would become. It discussed the problem with proponents and opponents of Zwarte Piet, and with broadcasting company NTR, but obviously could not solve it. The town decided to introduce a few ‘themed’ Pieten, in the colors of the cheese and the treacle waffles Gouda is so famous for, but this did little to end the dispute.⁴⁰ As was to be expected activists of both

parties chose to organize manifestations during the national entry. The municipality of Gouda had no legal means of preventing this, but did decide to keep the two groups apart. One group received permission to protest near the Gouda theater, the other near the town hall. For security reasons, the historic city center, where the entry was to be, was off-limits. The anti-Pieten did not agree to this, as it meant they would be kept away from the television cameras, but were warned beforehand that the police would act if they would try to enter the city center. Yet, they did so nonetheless, crossing the moat individually during the national arrival. At one p.m., they then tried to start a silent protest, but as soon as they did they were attacked by pro-Piet protesters, who had slipped through security as well. Now the police intervened, making more than ninety arrests.⁴¹ Yet again (inter)national media attention was massive.

Obviously, the Zwarte Pieten discussion had gotten way too big for local government to handle, which is why central government was already intervening. Minister Asscher had been present at Van der Laan's last meeting in Amsterdam and had now started to organize his own.⁴² In September 2014, Asscher invited all parties involved to a roundtable session. The exercise would be repeated at the start of 2015, and in September of that same year. Asscher's intervention was different from Van der Laan's, though. The Minister saw no role for government in coming up with the solution to the problem, but merely wanted to create a forum, where all parties could meet and exchange views. His sole intention was to keep the dialogue going, hoping that the parties would also meet outside of the meetings he initiated, and in this he appears to have succeeded.⁴³

TOWARD CLOSURE?

A few days after Saint Nicholas' entry, mayor Van der Laan thanked Sinterklaas and his Pieten for carrying on in spite of everything they had had to endure, and for the way they had conducted the discussion.⁴⁴ A few other municipalities had experimented with untraditional Pieten in 2014 too, but in most places Piet had stayed as black as he had been before (Blokker 2014a).⁴⁵ Would 2015 be different? The town of Groningen was quick to announce that in 2015 its Pieten would remain pitch-black, but other large towns declared they were opting for sooth Pieten. Such Pieten would also appear in Meppel, which was to

host 2015's national entry,⁴⁶ and even in the Belgian city of Antwerp, which has a Sinterklaas tradition similar to the Dutch one.⁴⁷ Slowly but surely, therefore, closure seemed to be drawing near. Journalist Bas Blokker (2014d) claims that this had been a result of a deliberate strategy. In a peculiarly Dutch way, government had organized deliberation between all opposing parties, in order to reach consensus among the largest possible group. The aim was to then isolate representatives of the radical fringes, and, as happened in Gouda, simply arrest these if they caused trouble. Several of our interviewees confirm Blokker's claim.⁴⁸ Pam Evenhuis, spokesperson of the committee that organizes the Amsterdam arrival of Sinterklaas, has explained how the Amsterdam solution of sooth Pieten was then exported to other towns. He himself addressed local government elsewhere, whereas Adriaan Krans spoke to the organizing committees.⁴⁹ Utrecht was one of the cities that followed Amsterdam's lead. It too introduced sooth Pieten and also adopted the Amsterdam percentage, although its organizing committee would have liked to make bigger changes.⁵⁰ In 2015, the Amsterdam committee also employed a new strategy: calling attention away from the official entry and its Pieten. It did so by organizing Sinterklaas-related activities for underprivileged children, thus also conveying the message that Sinterklaas is a feast for everybody, and winning the hearts of the Amsterdam inhabitants.⁵¹

The effects of these initiatives were felt outside of the realm of the official entries too, in primary schools, for instance. As most of these are visited by Sinterklaas and his Pieten in November–December they have found it hard to stay out of the contestation. In 2014, some 14% of them had already changed Piet's appearance⁵²; a change that accelerated in 2015. The primary schools in the city of The Hague were the first to announce that they would be using sooth Pieten only, and, although the reactions were furious, schools elsewhere followed their example.⁵³ This went for schools in Amsterdam, Rotterdam, and Utrecht—the country's other large cities—and even in Groningen.⁵⁴ Eventually, about a third of the country's schools would change Piet's appearance. A school in Utrecht even chose to substitute 'Minions' for its Pieten. The driver behind this transition was an action group called 'Nederland wordt beter' (the Netherlands are becoming better), and the Amsterdam committee (Blokker 2015c).⁵⁵

Finally, there was commerce. For many shopkeepers, Sinterklaas is one of the most important events of the year, as their sales volumes so

depend on it. The organization of Dutch retail traders was therefore represented at Minister Asscher's meetings. It hoped for a speedy end to the contestation, but in the meantime retail chains in the country needed to act. The strategies they employed differed. The Albert Heijn and HEMA supermarkets still sold products decorated with traditional Pieten, as did the big toy shops, but supermarkets Jumbo and Lidl opted for white ones.⁵⁶ Luxury department store de Bijenkorf was a special case. It is famous for its Sinterklaas decorations, consisting of mechanical Pieten who climb ropes, but decided to paint this gold instead of black.⁵⁷ Unsurprisingly, then, wholesale window-dressers sold Pieten in every color imaginable, to suit their clients' tastes.⁵⁸ Yet, the actual window-dressing proved to be a different matter. All the big retail companies sought ways to remove the Pieten from their showcases. Only small independent shops sometimes displayed them.⁵⁹ Behind this transition, there was the activity of an action group as well; this time one called 'MAD Mothers'.⁶⁰ Commercial broadcasting companies, who were targeted by MAD Mothers too, differed in their approach. RTL still had black Pieten, but Nickelodeon changed their color to white. Meanwhile, TV presenter Dieuwertje Blok, anchorwoman of public television's Sinterklaasjournaal, publicly stated that Zwarte Piet's appearance would have to change.⁶¹

However, to the great disappointment of the anti-Piet activists, most of the Sinterklaasjournaal's Pieten stayed as black as they had always been, in spite of the Amsterdam committee's efforts.⁶² And at the majority of the arrivals Sinterklaas was also accompanied by classic black Black Pete's. This even went for the entries into the big cities of Rotterdam and The Hague.⁶³ Unsurprisingly therefore, 2015 again saw protesting. At the national entry in the town of Meppel, there was fierce contestation between supporters and opponents of Piet, some of whom were dressed in Black Panther uniforms. Yet, this time the police managed to keep the two groups apart without having to make arrests (Kuiper 2015).⁶⁴ Amsterdam's main arrival went without protesting, but a smaller entry, in one of its boroughs, led to a confrontation. The same went for the Amsterdam 'Sinterklaas departure', one of the events that had been planned to draw attention away of the saint's arrival.⁶⁵ A Sinterklaas festivity public television had organized in Utrecht met with protests too.⁶⁶ In their turn, supporters of Piet also protested. The Utrecht school that had chosen to have minions accompany Sinterklaas was confronted with angry parents, dressed as Zwarte Pieten.⁶⁷

The real change would have to wait until 2016. That year Minister Asscher held another meeting with the stakeholders, most of whom signed a declaration, in which they promised to refrain from polarization.⁶⁸ Amsterdam changed all its Pieten to sooth Pieten, and a small number of towns followed in its footsteps.⁶⁹ A similar thing went for the schools: It was especially schools in the west of the country that changed Piet's appearance.⁷⁰ A bigger change was that some central government actors finally took a stand. Asscher stated, on television, that he felt that in this case the majority needed to give way to a minority, and that Piet's appearance needed to change. State secretary Van der Steur even wrote a letter to parliament, claiming that the entire coalition was of the same opinion, but the prime minister was quick to force him to withdraw it.⁷¹

The NTR Saint Nicholas Newsflash, which, as we have seen, plays an extremely important role in the debate, was under fire long before it actually started to broadcast in 2016. In May, three of the Newsflash's most important actors announced they would no longer partake in the show.⁷² The same month 120 Dutch celebrities asked the broadcasting company to change Piet, and the Dutch Ombudsman for Children declared that the figure was a violation of children's rights.⁷³ In October, a competing Saint Nicholas show, that of commercial broadcasting company RTL, announced that it would modify Piet's appearance. It had been inspired by the Amsterdam approach. Minister Asscher was quick to voice his approval, but leading MP Halbe Zijlstra protested the change.⁷⁴ When NTR's Newsflash finally aired it turned out that it made use of Pieten in every imaginable color and pattern.⁷⁵ It was now clearly instituting changes itself.

2016's national Saint Nicholas entry was to be held in the town of Maassluis. Opponents of Black Pete were quick to announce that they would be present, and that this time their demonstration would not be peaceful. The NVU, a party on the extreme right of the political specter, made known that it would pay a visit to Maassluis as well.⁷⁶ Maassluis mayor Edo Haan then took an active stance. He went to the meeting Minister Asscher had organized, and also had private meetings with the different stakeholders. He personally changed 20% of the Pieten to sooth Petes, and he came up with an innovative idea. Declaring that Maassluis didn't just host the national entry, but also the national discussion, he had an exposition organized on the Dutch Saint Nicholas celebration's controversial character throughout the ages. Naturally, he assigned places

for demonstrations, but he made sure that opponents and proponents of Black Pete would be kept apart, and took every precaution to guarantee the safety of the many children who would be present.⁷⁷ Maassluis was to be turned into a fortress during the entry. The area where the entry was to be held would be sealed off, and an emergency ordinance was to be proclaimed, making it easier to stop and search people. A day before the entry two people were placed in preventive detention, and the prime minister called for calmness.⁷⁸ When we ourselves entered the town, on November 12, we were stopped, interrogated, and frisked already at the railway station. The police also scanned our ID-cards. The same was to happen twice again, as the area was really only accessible to children and accompanying adults. The entry itself proved to be uneventful, as the busses carrying the protesters had stopped in Rotterdam. There the police arrested 197 people, as the mayor of Rotterdam, who had been warned by the secret service beforehand, had forbidden all demonstrations.⁷⁹

And now, where are we now? In 2017, a new status quo appears to have materialized, with the large cities in the west of the country opting for sooth Petes, as do their schools, while the rest of the Netherlands sticks to its traditional ways.⁸⁰ In line with this, the Saint Nicholas Newsflash has done away with its multicolored Petes and is now catering to both parties again.⁸¹

The number of those in favor of change has risen markedly, though, and most people seem to be fed up with the discussion.⁸² It is now the fringes of the opposing parties who keep up the fight, which is getting nastier. This year activists dressed up as traditional Petes visited the home of a politician who protests Pete and made a surprise visit to a meeting of the Amsterdam City council, and to a primary school. Pete's opponents, in their turn, made a 'Saint Nicholas house' inaccessible by pouring liquid metal in its lock. A Saint Nicholas circus even had to be closed because of threats.⁸³ Three buses with protesters tried to visit the national entry in the northern town of Dokkum, for which they had a permit. They were stopped in their way by activists in favor of Pete, who blocked the highway. The mayor of Dokkum, who had received warnings that even greater disturbances were at hand, consequently forbade the demonstration.⁸⁴ The highway blockaders, who will probably be prosecuted, were not without sympathizers. A lawyer offered them his services for free, and to pay a possible fine a fundraiser on the Internet collected more than 43.000 euros in a few days.⁸⁵

CONCLUSION

The cultural contestation surrounding the figure of ‘Zwarte Piet’, which has rocked the Netherlands from 2013 onwards, started with an attempt at heritage listing. It was protests at the UN against placement of the Sinterklaas celebration—of which Zwarte Piet is a part—on the national intangible heritage list, that put the contestation on the societal agenda. In the multicultural city of Amsterdam, civil society was the first to be confronted with the controversy. According to Ross that is where it could have been solved—as in his theory civic leaders can play a role in mitigating cultural contestation—but in this case it wasn’t. As the controversy was simply too large for civil society to deal with, government was asked to intervene.

When analyzing the cultural contestation surrounding the symbol of Zwarte Piet, the large number of governmental actors involved in the discussion immediately springs to the eye. They range from the local level, such as the mayor of Amsterdam, to the national level in the person of the Minister of social affairs Lodewijk Asscher, and even to the supranational level in the person of professor Verene Sheperd. They not only include the *KIEN* but also the national ombudsman. Even the judiciary has been forced to take a stance in the debate.

When we take a closer look at these many different governmental actors, it becomes clear that all of them have acted on their own accord, based on their respective interests and competencies. They have reacted to other governmental actors or to requests from civil society. The different backgrounds, interests, and competencies of governmental actors partly define the different opinions they voice. Prime Minister Rutte, for example, took an altogether different stance on Zwarte Piet’s attire and makeup, than the Minister of social affairs, or the Amsterdam court of law, and, more recently, the National Ombudsman or the *KIEN*. This makes an analysis of governmental actions in this case of cultural contestation difficult. Yet, we can still discern three roles they play.

In the first place, government actors act as *facilitators* of the tradition. After all, it is local authorities, most notably the mayors, who are responsible for granting the permits for locally held entries of the Saint and his retinue. Many municipalities also subsidize local associations responsible for the entry.

Secondly, contrary to what Ross writes about the possibilities to mitigate, governmental actors have acted as *passive mediators* in the

discussion. Minister Lodewijk Asscher, for instance, has tried to bring parties together and to create a safe space where societal actors could discuss matters.

In the third place, government actors can try to *actively mitigate* the contestation, by not only bringing parties together, but also directing the discussion toward a workable outcome. This was done by Amsterdam mayor Van der Laan, who apparently had clear ideas on the desired conclusion to the discussion, and on the way to end the contestation.

Real mitigation, however, seems hard to attain. Several reasons lie at the root of this. In the first place, the cultural contestation surrounding Zwarte Piet is a discussion which is held at the national level, but played out on the local level. That, after all, is the level at which either protests are organized, or everything stays quiet. It is thus the local context that determines the need for mitigation and the room for maneuver. In a left-wing liberal city like Utrecht, little mitigation was needed, as the local population was generally in favor of altering the appearance of Zwarte Piet. In ethnic and culturally diverse cities such as Amsterdam, the need for mitigation was higher, but, at the same time, it was this that created room for mitigation. In small provincial towns such as Dokkum, Maassluis, or Gouda, which have all hosted the national entry recently, the mayors had little room for mitigation and thus needed to restrict the protests. Secondly, the nature of the administrative system, in which different actors based on different competencies and interests act in different ways, hinders mitigation efforts.

On the other hand, it is exactly the fact that contestation is played out at the local level, and the fact that government is fragmented, that might make attempts at mitigation possible. It is at this level, after all, that chances for successful mitigation are highest. The way mayor Van der Laan played his mitigating role during the national play is exemplary. His aim was to find a solution that would satisfy the largest possible group, and in this he eventually succeeded.

Yet, when we zoom out, and take a look at the nation as a whole, we can't but notice that at present contestation is far from over. A recent survey shows that in most municipalities Piet remains as black as he always has been, which also goes for most of the schools. It is especially the larger—multicultural—cities in the west of the country where Black Pete's appearance is changing. The rest of the country is still firmly sticking to its guns.

NOTES

1. We interviewed a considerable number of persons, although not all appear in this chapter. For this chapter, we used interviews with the former director of KIEN Ineke Strouken, Jan van Wijk (member of the Saint Nicholas Association), Raul Balai (involved in one of the protesting groups), Judith van Gameren (member of the organizing committee of the Saint's entry in Tilburg), Riet de Leeuw (policy advisor Ministry of Education, Culture, and Sciences), Paul Römer (director of the NTR), Peggy Burke (former member of the Amsterdam city council), Geert Jan ter Linden (chef de cabinet Mayor of Amsterdam), Luc Dietz (member of the organizing committee of the Saint's entry in Utrecht) Milo Schoenmaker (mayor of Gouda), Edo Haan (mayor of Maassluis), UgoniaTijmensens (policy advisor Minister of Social Affairs) and Adriaan Krans, ds. Henk Leege and Pam Evenhuis (all at the time of this research affiliated to the committee organizing the Amsterdam entry).
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3. <http://www.npogeschiedenis.nl/nieuws/2013/oktober/Pleidooi-uit-1963--schaf-Zwarte-Piet-af.html>; <http://www.bhic.nl/ontdekken/verhalen/opvoeden-volgens-ras>; http://www.npogeschiedenis.nl/speler.WO_VPRO_418222.html.
4. Interview Raul Balai, 5-6-2015.
5. Interview Raul Balai, 5-6-2015; see for a comprehensive overview of protests Euwijk and Rensen (2017) et passim.
6. <http://www.rtlxl.nl/#!/rtl-nieuws-132237/f4754cf9-ce39-45ff-b691-bf5dccab67e5>.
7. Interview Strouken, 22-09-14; interview Van Wijk, 24-6-2015.
8. Interview Strouken, 22-09-14; Judith Van Gameren, who organizes the entry in the town of Tilburg, also mentioned how shocked she was: Interview Judith Van Gameren, 13-10-2014.
9. Interview Strouken, 10-6-2015; *Immaterieel Erfgoed* (2014: 36).
10. Interview Van Wijk 24-6-2015; <http://nu.nl/binnenland/3973474/sinterklaasfeest-nationaal-beschermde-traditie.html>; <http://nos.nl/artikel/2013511-sinterklaasfeest-nu-officieel-nederlandse-traditie.html>; <http://m.nrc.nl/nieuws/2015/01/15/sinterklaasfeest-op-lijst-cultureel-erfgoed-in-nederland>.
11. Interview De Leeuw, 29-10-2015.
12. [https://spdb.ohchr.org/hrdb/23rd/public_-AL_Netherlands_17.01.13_\(1.2013\).pdf](https://spdb.ohchr.org/hrdb/23rd/public_-AL_Netherlands_17.01.13_(1.2013).pdf); [https://spdb.ohchr.org/hrdb/24th/Netherlands_10.07.13_\(1.2013\).pdf](https://spdb.ohchr.org/hrdb/24th/Netherlands_10.07.13_(1.2013).pdf).

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15. <http://nos.nl/artikel/2054617-rutte-zwarte-piet-geen-staatsaangelegenheid.html>; <http://www.volkskrant.nl/binnenland/asscher-piet-moet-anders-maar-niet-opgelegd-door-overheid~a4131775>.
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28. Interview Römer, 21-10-2014.
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36. Interview Krans, 25-11-2014; Interview Ter Linden, 9-2-2015.
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39. Interview Dietz, 5-2-2016.
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41. Interview Schoenmaker, 23-3-2015; <http://nos.nl/artikel/721821-negentig-arrestaties-intocht-gouda.html>; <http://www.nrc.nl/nieuws/2014/11/15/enthousiaste-menigte-en-beveiligers-verwelkomen-sinterklaas-in-gouda/>.
42. Interview Schoenmaker, 23-3-2015.
43. Interview Ugonia/Tijmenssen-Kruseman, 21-9-2015; Interview Schoenmaker, 23-3-2015; Interview Strouken, 10-6-2015; interview Krans, 19-1-2016; <https://www.rijksoverheid.nl/documenten/kamerstukken/2014/10/23/beantwoording-kamervragen-over-pietoverleg>.
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49. Interview Evenhuis, 4-12-2015; interview Krans, 19-1-2016.
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